

### **REMARKS**

The Patent Examiner has rejected claims 7 and 16 under 35 U.S.C. §112. That rejection has been overcome by amendment to both claims 7 and 16, which amendments are self-explanatory.

The present invention relates to a paving block for use in the construction of a paved surface for bearing wheeled traffic. The paving block includes an upper planar surface 6, a lower surface 5, and planar lateral surfaces 7. Additionally, each lateral surface 7 includes a lower planar portion and an upper planar portion 8 which is tapered relative to the lower planar portion.

The lower planar portion of each lateral surface lies in a plane which is perpendicular to the lower surface 5. Furthermore, the upper tapered portion 8 of each lateral surface intersects the lower portion at an angle greater than 0 degrees and less than 15 degrees with respect to the vertical plane when the lower planar portion is oriented in a vertical plane. This feature is critical to Applicant's invention and provides advantages not enjoyed by the prior art and distinguishes Applicant's invention from the prior art.

More specifically, by providing the intersection of the upper planar portion with the lower planar portion in the range of greater than 0 degrees and less than 15 degrees, Applicant's paving block construction achieves two distinct advantages. First, this construction avoids spalling of the paving block despite slight rocking of the paving block due to the weight of the traffic on the paving block. Secondly, and just as importantly, Applicant's range of greater than 0 degrees and less than 15 degrees presents a rather small opening to the upper surface of the paved surface formed by the paving blocks so that small objects, such as the heel of a woman's high-heel shoe, cannot be entrapped between adjacent blocks. None of the prior art references of

record teach or suggest Applicant's invention as it is now positively defined in claims 20 and 21, i.e. the only two independent claims in the instant application.

The Patent Examiner, however, has rejected claims 20 and 21 as either anticipated by U.S. Patent No. 5,051,023 to Yoshida or unpatentably obvious under 35 U.S.C. §103 over Barth '698 in view of Yoshida. Furthermore, on page 10 of the Patent Examiner's most recent Office Action, the Patent Examiner has stressed that the previously submitted claims do not properly reference the greater than 0 and less than 15 degree limitation to a vertical plane. Although Applicant feels that this was implicit with the previously submitted claims, both claims 20 and 21 have now been amended in order to more clearly define this feature of Applicant's invention. In view of these amendments, Applicant respectfully submits that the Patent Examiner's rejection of the claims is no longer proper and, therefore, should be withdrawn.

More specifically, the Yoshida et al. patent neither teaches nor suggests Applicant's invention as it is now more clearly defined in claims 20 and 21 in which the upper planar portion of each lateral side intersects the lower portion of each lateral side in the range of greater than 0 and less than 15 degrees as is now more clearly defined in the claims. Rather, as is clear from FIG. 2A of Yoshida et al., the upper beveled surface 4 of the Yoshida et al. paving block neither intersects the lower vertically oriented surface 1 at all. Furthermore, as is clear from FIG. 2A of Yoshida et al., the upper beveled surface 4 appears to be approximately 45 degrees with respect to the vertical plane which is well outside Applicant's range of greater than 0 and less than 15 degrees. As such, the Yoshida et al. patent, unlike Applicant's invention, provides a wide opening to the upper surface of the paved surface paved by the paving blocks. This rather wide opening of Yoshida would allow small objects, such as a woman's high heels, to be entrapped between adjacent blocks. Applicant's paving block construction, as is now more clearly defined

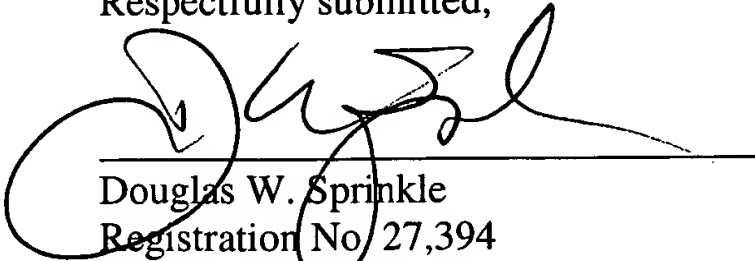
in the amended claims, avoids this clearly disadvantageous result of the Yoshida et al. paving block.

The Patent Examiner's combination of Barth et al. and Yoshida does not overcome this deficiency of Yoshida. While the Barth et al. patent admittedly discloses a paving block having water channels, it does not suggest in any fashion a paving block in which the upper portion of each lateral side of the paving block intersects the lower portion of the paving block in the range of greater than 0 degrees and less than 15 degrees with respect to a vertical plane when the lower portion of the paving block is oriented in a vertical plane. For all the reasons discussed above, the Yoshida et al. patent does not cure this deficiency.

In view of the foregoing, Applicant respectfully submits that Applicant's invention, as it is now defined in claims 20 and 21, patentably defines Applicant's invention over the prior art references of record and are, therefore, allowable. All remaining claims in this application depend either directly or indirectly from either claim 20 or 21 and are, therefore, also allowable.

Applicant respectfully submits that this case is now in condition for formal allowance and such action is respectfully solicited.

Respectfully submitted,



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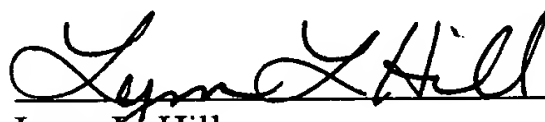
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